

**FREDERICK POLICE DEPARTMENT  
GENERAL ORDER**

**Section 5:** Special Populations **Order Number:** 510  
**Topic:** DOMESTIC VIOLENCE INVESTIGATIONS **Issued by:** Chief of Police  
**Approved:** 12/03/18  
**Review:** Annually in October by Criminal Investigation Division Commander  
**Supersedes:** G.O. 510 dated 07/01/11

**.01 PURPOSE:**

The purpose of this policy is to establish guidelines for handling incidents that involve domestic violence.

**.02 CROSS-REF:**

G.O. [545 - Extreme Risk Protective Orders](#)  
G.O. [760 - Arrests Without a Warrant](#)  
G.O. [771 - Service of Court Charging Documents](#)  
G.O. [810 - Investigative Procedures](#)  
Form OSB-025 – “Extreme Risk Protective Order Firearm Receipt”  
Form OSB-026 – “Court Ordered Surrender Firearms Receipt”

**.03 DISCUSSION:**

The Frederick Police Department is committed to reducing the incidence and severity of domestic violence by recognizing it as a significant societal problem, and dealing with it as a serious criminal offense. The Department will strive to:

1. Educate victims as to their legal rights;
2. Advise victims that help is available to them;
3. Encourage victims to seek legal and social assistance;
4. Hold abusers accountable for their actions;
5. Ensure that officers are prepared to respond to and effectively deal with domestic violence calls for service; and
6. Offer the highest level of service to victims of domestic violence.

**.04 POLICY:**

It is the policy of the Frederick Police Department that, when handling domestic violence incidents, all personnel will comply with the law, will comply with the General Orders of the Department, will consult a supervisor if they have any questions about how to proceed, and will take appropriate action to resolve all domestic violence incidents to the best of their ability.

**.05 DEFINITIONS:**

ABUSE – consists of any of the following:

1. An act that causes serious bodily harm;
2. An act that places a person in fear of imminent serious bodily harm;

3. Assault in any degree;
4. Rape or sexual offense or attempted rape or sexual offense in any degree;
5. False imprisonment;
6. Stalking;
7. Child abuse; or
- 8 Abuse of a vulnerable adult.

COHABITANT - a person who has had a sexual relationship with a person and resided with the person for a period of at least 90 days within the past one year.

COURT ORDERED SURRENDER - an order from the judge under HB1646 for the defendant to transfer all regulated firearms, rifles, and shotguns owned or possessed by the defendant to a state or local law enforcement agency or FFL within 2 business days upon conviction or plea for specific domestically related disqualifying crimes.

DESTRUCTIVE DEVICE - any device including, but not limited to any bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge for more than one quarter-ounce, mine, or similar device; or any type of weapon (other than a shotgun or shotgun shell which the Attorney General for the United States finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.

DOMESTIC DISPUTE - as used in this Order, means a **noncriminal** occurrence (e.g. a verbal argument) involving persons who have an intimate relationship, who reside together, or who are involved in a custodial relationship.

DOMESTIC INCIDENT - as used in this Order, is a universal term to describe domestic violence, a domestic dispute, or to describe an occurrence that has not yet been determined to be criminal or noncriminal.

DOMESTIC VIOLENCE - occurs when a person abuses or attempts to abuse another person with whom they reside, with whom they have an intimate relationship, or who is a minor or vulnerable adult of whom they have custody.

DOMESTIC VIOLENCE LETHALITY SCREEN FOR FIRST RESPONDERS – a questionnaire issued by the Maryland Network Against Domestic Violence.

EXTREME RISK PROTECTIVE ORDER (ERPO) – (including Interim, Temporary and Final) - an order from the Court that is issued under the Public Safety Article, Title 6.

FIREARM – any weapon, including but not limited to handguns, long guns, starter guns, which will or is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device.

INTIMATE RELATIONSHIP - a sexual/emotional relationship, including a homosexual relationship, between spouses, former spouses, past or present unmarried couples, or persons who are both the

parents of the same child regardless of whether the persons have been married or have lived together at any time. Intimate relationships do not include other family members, such as parents or children, or individuals living together in a situation in which the relationship is usually not considered intimate, such as in a dormitory or rooming arrangement.

PEACE ORDER (including Interim, Temporary and Final) - an order from the Court that is issued under the Courts and Judicial Proceedings Article, Title 3, Subtitle 15.

PETITIONER - an individual who files a petition and includes a person eligible for relief or persons who may seek relief from abuse on behalf of a minor or vulnerable adult.

PROTECTIVE ORDER (including Interim, Temporary and Final) – an order from the Court that is issued under the Family Law Article, Sections 4-504, 4-504.1, 4-505 and 4-506.

RESPONDENT - the person alleged in the petition to have committed the abuse.

VULNERABLE ADULT - an adult who lacks the physical or mental capacity to provide for his daily needs.

#### **.10 ARRESTS FOR DOMESTIC VIOLENCE:**

1. Arrests for domestic violence will be made in accordance with the laws of arrest and with the provisions of [G.O. 760, "Arrests Without a Warrant,"](#) and [G.O. 771, "Service of Court Charging Documents."](#)
2. The Maryland law enforcement community has adopted a **"preferred-arrest" policy** in domestic violence cases. Accordingly, whenever the law permits, the officers of the Frederick Police Department should arrest the assailant if there is probable cause to believe that a crime of domestic violence has been committed.
3. When probable cause exists, an officer may make an arrest regardless of the victim's interest in the aggressor being arrested, keeping in mind that the victim's decision may be based on fear or other circumstances unknown to the officer.
4. When probable cause exists to effect an arrest and no on-scene arrest is made, the officer will document the circumstances and facts in the narrative section of the incident report and will explain why the aggressor was not arrested.
5. Having probable cause to believe, or an allegation that, a mutual battery occurred, the officer will consider whether one person acted in self-defense, and should not arrest persons who acted in self-defense.
6. If two people committed acts of domestic violence against each other, and neither acted in self-defense, the officer may consider arresting both persons, keeping in mind that Maryland law seeks to hold the primary aggressor accountable.
7. Officers who make an arrest for a domestic related incident, defined as a criminal offense where the offender and the victim are, or ever have been, married, in an intimate relationship (including dating and same sex relationships), or have a child together, will communicate this information to the booking officer at the detention center. This will create a "dummy" prompt CJIS code in order to track and collect real-time data on domestic related on-view arrests. This code is an addition to any other charges placed and does not appear on the defendant's record, nor will it go into the FBI database. It is merely a way to track the scope of domestic violence within the State of Maryland.

## **.20 INVESTIGATION AND EVIDENCE COLLECTION BY OFFICERS:**

After verifying that a domestic violence incident has occurred, police officers will conduct a thorough investigation, which will include the following steps and responses:

1. Physically approach and handle the scene of a domestic violence call using appropriate safety, intervention, and investigative techniques.
2. Interview all parties separately, if possible, taking into consideration the dynamics of domestic violence.
3. Be thorough in the collection of evidence; paying particular attention to the need for:
  - A. Collecting the "911" tape of the call;
  - B. Taking photographs of injuries and of the crime scene, and arranging for or taking additional photographs of the victim's injuries one to three days later, when bruises would be more developed;
  - C. Documenting "excited utterances" made in the presence of the officers;
  - D. Interviewing witnesses, including children;
  - E. Recovering and seizing torn clothing. If necessary, accompanying the victim to the hospital to recover clothing which may be evidence;
  - F. Seizing any notes or writings made by the respondent; and,
  - G. Inquiring, identifying, and seizing weapons and/or objects used as weapons.

## **.30 DOCUMENTATION:**

**Under no circumstances will a domestic violence complaint be closed without documentation.**  
Officers will:

1. Fully complete a Domestic Violence Report form to include a signed, written statement by the victim; and,
2. In cases where an arrest is made, complete the required arrest paperwork, in addition to the Domestic Violence Report.

## **.35 DOMESTIC VIOLENCE LETHALITY SCREENING:**

1. The Maryland Network Against Domestic Violence has developed the "Domestic Violence Lethality Screen for First Responders" form. The purpose of this form is to attempt to identify victims of domestic violence who may ultimately be subsequent lethal victims. As such, the Frederick Police Department will partner with the Heartly House when a "Protocol Referral" is triggered as listed below.
2. The Lethality Screening form consists of a total of eleven (11) questions. A positive response to any of the first three questions, or, four positive responses to questions four through eleven triggers the "Protocol Referral".
3. Officers assigned to calls for service involving domestic violence, in addition to those duties outlined in this order, will perform the following:

- A. Conduct an interview with the victim utilizing the “Lethality Screen.” The completed “Lethality Screen” will be attached to the investigative report, regardless of participation or lack thereof of the victim.
  - B. If the responses from the victim indicates the implementation of the protocol referral, the assigned officer will initiate contact from the scene with the Heartly House by dialing 301-662-8800, regardless of whether or not the victim has indicated they wish to speak with a counselor.
  - C. When contact is made with the Heartly House, the officer will identify himself and agency and advise he is calling in reference to an investigation relevant to the lethality screening.
  - D. When connected with a victim advocate, the officer will apprise them of the investigation information and then offer the phone to the victim in order for the victim to obtain the services of the victim advocate immediately.
  - E. As part of the investigation, request a “Premise History” of the location from Communications. When existent, attach a copy of the premise history to the report.
  - F. FAX a copy of every Lethality Screen, regardless of the results, to the Heartly House at 301-663-4334.
4. In all cases involving current or past intimate partners, such as spouses, ex-spouses, boyfriends, girlfriends, ex-boyfriends, and ex-girlfriends, the investigating officer will conduct a “Domestic Violence Lethality Screen for First Responders” and attach the completed form to the Domestic Violence Report form.
5. The Lethality Screen will not be completed:
- A. If the primary aggressor cannot be determined by the officer;
  - B. For incidents involving allegations of child abuse and/or vulnerable adult abuse. Instead, the officer responding to such calls will contact the appropriate personnel from the Department of Social Services, who will be responsible for safe and appropriate placement of the alleged victim and other children or vulnerable adults in the household;
  - C. For incidents involving other non-intimate family members, such as parents and children or siblings;
  - D. For incidents involving non-intimate roommates.

**.40 ASSISTING THE VICTIM:**

- 1. Family Law Section 4-503, requires that victims of domestic violence incidents be given a written notice of rights by the responding officer which:
  - A. States that the victim:
    - (1) May request that a District Court Commissioner file a criminal charging document against the alleged abuser;

- (2) May, if the Commissioner declines to charge the alleged abuser, request that the State's Attorney file a criminal charging document against the alleged abuser; and,
  - (3) May file a petition for relief from abuse in the District Court or Circuit Court under the Family Law Article.
- B. Contains the telephone number for the local domestic violence program, (Hearty House, 301-662-8800). Officers must remember that the location of the Hearty House is **NEVER** divulged to anyone other than police officers with a need to know the location.
- 2. The officer responding to domestic violence calls, including attempts or threats to commit domestic violence, and domestic stand-bys, will provide the victim with a copy of the brochure entitled "CRIME VICTIMS AND WITNESSES: Your Rights and Services."
  - 3. The responding officer will provide the domestic violence victim with an information card entitled, *Frederick Police Department, Victim Services Unit, Domestic Violence Information*, as provided by the Department.
  - 4. Officers responding to a domestic violence call will advise the victim as to the availability of a copy of the report concerning their incident, from the Department's records section.
  - 5. Officers will review with domestic violence victims their rights, to include obtaining Protective Orders and/or Extreme Risk Protective Orders.
  - 6. Officers, when requested by the victim, will assist in obtaining transportation to the court to obtain an order and assist in filing.
  - 7. Officers will inquire if the victim wants to leave the residence on a temporary or permanent basis and assist the victim in contacting the Hearty House or Department of Social Services, or other agencies or individuals to obtain temporary shelter.

**.45 DOMESTIC STAND-BYS, ASSISTANCE TO VICTIM:**

- 1. Law enforcement officers will conduct domestic stand-bys in accordance with § 4-502 of the Family Law Article, which states:
  - "Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate personal harm may request the help of local law enforcement."
- 2. When an officer responds to a request for help, they shall:
  - A. Protect the person from harm when responding to the request; and
  - B. Accompany the person to the family home so that the person may remove the following items, regardless of who paid for the items:
    - (1) The personal clothing of the person and of any child in the care of the person; and
    - (2) The personal effects, including medicine or medical devices, of the person and of any child in the care of the person that the person or child needs

immediately.

3. Any law enforcement officer responding to such a request shall have the immunity from liability described under § 5-610 of the Courts Article.

**.50 CIVIL PROTECTIVE ORDERS:**

1. Protective Orders are an order from the Court to provide relief to an eligible person through a petition that alleges abuse in circumstances specified in the Family Law Article. The following persons are eligible to petition for relief from abuse:
  - A. Current or former spouse;
  - B. Cohabitant, as defined in this Order;
  - C. A person related by blood, marriage, or adoption;
  - D. An individual who has a child in common with the respondent;
  - E. A parent, step-parent, child, or step-child of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within one year before filing the petition; or,
  - F. A vulnerable adult.
2. In domestic violence situations, law enforcement officers in the State of Maryland are called upon to enforce and take other police action on three types of **civil** protective orders:
  - A. Interim Protective Order – Issued by a District Court Commissioner, when a Court is not in session, pending a hearing by a judge on a petition.
  - B. Temporary Protective Order - an order from a judge providing for relief from abuse that is effective for no more than 7 days unless extended by a judge as needed, not to exceed 6 months.
  - C. Final Protective Order – an order from a judge providing for relief from abuse that is effective for not more than 12 months unless extended by a judge for a period not to exceed an additional 12 months.

**.55 ARRESTABLE CONDITIONS OF PROTECTIVE ORDERS:**

1. Civil protective orders may offer the petitioner relief by ordering the respondent to do one or all of the following:
  - A. Refrain from abusing or threatening the petitioner;
  - B. Refrain from contacting, attempting to contact, or harassing the petitioner;
  - C. Refrain from entering the petitioner's residence, which includes the yard, grounds, outbuildings, and common areas surrounding the area;
  - D. Vacate the residence and award temporary use and possession of the home to the petitioner; or,
  - E. Stay away from the petitioner's or other family members' places of employment,

school, or temporary residence.

2. In addition, in the case of Final Protective Orders, the court will order a respondent to surrender to a law enforcement officer any firearm in the respondent's possession for the duration of the Protective Order.
3. When a Temporary Protective Order is marked accordingly, and in all cases of Final Protective Orders, the respondent is prohibited from possessing firearms. In the event the Department receives a complaint that a respondent is in possession of firearms in violation of a protective order, Patrol will respond immediately and appropriately to investigate the complaint, and, if necessary, seize the firearms and make an arrest, as appropriate. Should the investigation begin to exceed the scope of the Patrol officer's capabilities, they will request the assistance of CID.
4. A respondent who violates one of the above orders is guilty of a misdemeanor for which the law enforcement officer is required to make an arrest under Family Law Sec. 4-509.

**.60 NON-ARRESTABLE CONDITIONS OF PROTECTIVE ORDERS:**

1. Civil protective orders may also provide relief in the form of temporary child custody, temporary visitation rights, financial support, use of the couple's vehicle, counseling, and payment of filing fees and the cost of the proceedings.
2. Violation of these conditions **does not constitute a criminal offense** and is therefore not arrestable, but it could result in a finding of contempt by the court.

**.65 SERVICE OF PROTECTIVE ORDERS:**

1. Protective Orders will be served by Frederick Police Officers only when requested by the Frederick County Sheriff's Office because the respondent resides or is located within the corporate limits. While civil in nature, officers shall attempt service as expeditiously as possible. Should the officer be unable to make service during their scheduled shift, he will ensure that the protective order is given to the oncoming squad supervisor for service. All other administrative duties will be performed by the Frederick County Sheriff's Office. Supervisors will ensure that the Sheriff's Office is immediately informed of all actions taken by officers concerning service of protective orders.
2. When the Department receives a request to serve either an Interim or Temporary Protective Order, the officer assigned will immediately contact the petitioner to determine if a Lethality Screen had been conducted as a result of a domestic violence call for service. If a Lethality Screen has already been completed, no further action is necessary other than documentation of this contact. If not, the officer will attempt to make personal contact with the petitioner to complete a Lethality Screen. At the minimum, if face to face contact is not possible, the officer will conduct the Lethality Screen over the phone. Notification and forwarding of the screen to Hearty House will occur per normal procedures outlined in this order. In all instances, the officer will document the actions taken in the case report narrative.
3. All officers serving Protective Orders referred by the FCSO will ensure that a copy of the letter entitled "Protective Order Notice – Illegal Firearms Possession" is attached to the Order and that the respondent is provided with a copy of this letter upon service.
4. During the service of Temporary Protective Orders requiring the respondent to surrender all firearms, the officer will ask the respondent if they in fact have firearms in their possession and will make other appropriate investigative inquiries to determine if the respondent possesses firearms. If the service of the order takes place at the respondent's residence the

officer may assist with the surrender of the firearms at that time. If the service takes place at another location away from where the firearms are stored, if it is determined that the respondent possesses firearms, the officer will make the necessary arrangements for their immediate surrender. For cases in which firearms are surrendered to FPD, the FCSO includes a FCSO Property Receipt with the Protective Order paperwork, which will be completed and faxed to the FCSO with the Protective Order Return of Service,

**.70 ENFORCEMENT OF OUT-OF-STATE CIVIL PROTECTIVE ORDERS:**

1. A law enforcement officer is mandated to arrest, with or without a warrant, and take into custody a person whom the officer has probable cause to believe is in violation of a civil protective order that was issued by a court of another state or an Indian tribe, and is in effect at the time of the violation, if the person seeking assistance of the officer:
  - A. Has filed a copy of the order with the District or Circuit court of Maryland; or,
  - B. Displays or presents to the officer a copy of an out-of-state order that appears valid on its face.
2. Officers are only permitted to make an arrest for violations recognized within the State of Maryland's guidelines for Protective Orders, as well as abide by non-arrestable conditions. Refer to sections .65 and .70 of this order for guidelines.

**.75 EXTREME RISK PROTECTIVE ORDERS**

1. An Extreme Risk Protective Order (ERPO) is a civil Interim, Temporary, or Final Protective Order prohibiting a respondent from possessing and purchasing a firearm and ammunition and ordering the respondent to surrender to law enforcement any firearm and ammunition in the respondent's possession for the duration of the order.
2. Certain victims of domestic violence are eligible to petition the court for an ERPO if there is sufficient information to believe that the respondent poses an immediate and present danger of causing personal injury with a firearm to the respondent, the petitioner, or other individuals.
3. In accordance with General Order 545, "Extreme Risk Protective Orders", officers will advise domestic violence victims of the option to petition the court for an ERPO, if appropriate.
4. An ERPO does not substitute the specific forms of relief granted by Protective or Peace Orders.

**.80 REMOVAL OF A FIREARM FROM THE SCENE:**

1. Under § 4-511 of the Family Law Article, law enforcement officers may remove a firearm from the scene, if they have:
  - A. Probable cause to believe that an act of domestic violence has occurred; and,
  - B. Observed the firearm on the scene during the response. (Nothing in this section precludes the officer from inquiring about weapons inside the residence; however, this section in no way authorizes a search for weapons.)
2. When an officer makes an arrest for an act of domestic violence, the officer will seize any firearm which is observed on the scene which belongs to the arrestee. The officer will also request that the arrestee voluntarily allow the officer to remove any firearm that belongs to the arrestee which is not in view.

3. If a firearm is removed from the scene, officers will:
  - A. Provide the owner of the firearm with information on the process for retaking possession of the firearm;
  - B. Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence; and,
  - C. Advise the owner that he may retake possession of the firearm at the conclusion of a proceeding on the alleged act of domestic violence, unless the court orders the surrender of the firearm;
  - D. Complete form OSB-025, "Extreme Risk Protective Order Firearm Receipt" which will serve as a receipt for the defendant/representative. (The form will be a hard copy carbonless form. The copy will be given to the defendant/representative and the original will be turned in to the Records Section;
  - E. Enter the firearm information into the property module in ILeads;
  - F. Complete the appropriate property entry into Tracker documenting the make, model, caliber, and serial number(s) of the firearm(s) seized/surrendered.
  
4. The FCSO may notify the Frederick Police Department when a Final Protective Order has been served on a respondent who resides within the corporate limits of the City. If such a notification is made, a case report number will be obtained, a copy of the order will be placed in the Records Section Supervisor's mailbox, and a detective will be assigned to perform the following:
  - A. Contact the petitioner to ascertain if the respondent does own or possess firearms.
  - B. Contact the respondent and advise them of the responsibility to surrender their firearms as soon as practical.
  - C. Meet with the respondent, in conjunction with officers from an agency from the jurisdiction in which the respondent is located, in person to either collect/remove their firearms, or;
  - D. If the respondent is not at the location where the firearms are stored/kept, make the necessary arrangements for the surrender of the firearms.
  - E. Check the Maryland gun databases for firearms owned by the respondent. Should one of the databases, or physical evidence, indicate that the respondent is in possession of firearms but they deny this possession, the detective will conduct an investigation into the incident. The depth of the investigation will be based upon available evidence listed above, as well as information received from the petitioner and the response of the respondent when contacted.
  - F. Document all activities and information through normal reporting procedures.
  
5. Any personnel who take possession of any firearms that are either seized or surrendered will complete the appropriate property documentation to include the make, model, caliber, and serial number(s) or the firearm(s).

**.85 FIREARMS OBTAINED THROUGH COURT ORDER:**

1. The Frederick Police Department will take custody of relinquished firearms as described in HB1646, requiring a defendant to transfer all regulated firearms, rifles, and shotguns owned or possessed by the defendant to a state or local law enforcement agency or FFL within 2 business days of conviction or plea for specific domestically related disqualifying crimes. This Court surrender order will be given by the Judge upon conviction or plea.
2. If the defendant resides within the city of Frederick, a copy of the court surrender order will be forwarded to the Department. This notice will be provided to the Criminal Investigations Section to investigate and determine the appropriate course of action, if any, will need to be taken.
3. A defendant may designate a representative to transfer firearms on his behalf.
4. When notified of a defendant's request to turn in regulated firearms, rifles or shotguns, the person receiving the notification (dispatcher, police officer, records staff) will review the following procedures with the defendant:
  - A. The Department will accept firearms from any citizen from court order.
  - B. All firearms will be unloaded. No ammunition will be accepted.
  - C. The defendant/representative will schedule a date and time for turn in, and be directed to call once in the backlot of FPD headquarters.
  - D. The defendant/representative will transport firearms directly to FPD and keep a copy of the Judge's order on his person at all times during transport.
  - E. The defendant/representative will leave firearms in the trunk or storage area of the vehicle until contacted by an officer.
5. Only sworn officers will accept firearms. The officer accepting the firearms will:
  - A. Initiate a call for service for Court Ordered Firearms Transfer;
  - B. Review the court order and positively identify the defendant/representative;
  - C. Instruct the defendant/representative to back his vehicle to the sallyport entrance;
  - D. Verify all firearms are unloaded;
  - E. Follow all procedures outlined in G.O. 831 for receipt of firearms, excepting that no test fire will be required;
  - F. Complete form OSB-026, " Court Ordered Surrender of Firearms Receipt" which will serve as the report narrative. and a copy of which will serve as a receipt for the defendant/representative. (The form will be a hard copy carbonless form. The copy will be given to the defendant/representative and the original will be turned in to the Records Section
  - G. Ensure the defendant/representative is aware that surrendered firearms will be destroyed after one year if legal remedies fail to effect the lawful return of the firearms.

- H. In the sallyport, package all surrendered firearms in accordance with G.O. 831.
- I. Contact a Records Specialist for transfer to the appropriate property storage area.
- J. Complete the shell of the Ileads report, including: Name of the person ordered to relinquish the firearm, the name of the person transferring the firearm (if different), and enter the make/model/serial number of the firearm into the property module;.
- K. Complete the appropriate Tracker property entries for the firearm.

**.90 RECORDS SECTION RESPONSIBILITIES:**

1. The Department's Records Section will store all firearms either confiscated by officers during domestic violence investigations or surrendered by respondents as a result of service of a Protective Order, and will be responsible for the return of the confiscated/surrendered firearms to the lawful owner in accordance with Maryland law. This will include, but not be limited to:
  - A. Ensuring that a criminal history check of the firearm owner is completed and that the person claiming ownership of the firearm is eligible to possess same;
  - B. Ensuring that all protective orders are expired and not in effect;
  - C. Ensuring that the firearm is not reported stolen through the N.C.I.C.; and,
  - D. Resolution of any competing claims of ownership.
2. Whenever the Records Section takes possession of firearms being surrendered by a respondent of a Protective Order, Records personnel will link the appropriate copy of the Order to determine the expiration date of the Order. Once expired, Records personnel will follow current procedures for property release, as well as those outlined above.
3. The Records Section will ensure initial reports completed on a Domestic Violence Form are entered into I-Leads, and the "Domestic Violence" I/Leads button has been checked.

**.95 ARRESTEES WHO ARE LAW ENFORCEMENT OFFICERS:**

1. When an arrestee for an act of domestic violence is a law enforcement officer, the supervisor on duty will immediately notify the agency for which the arrestee is employed:
  - A. To inform that agency of the officer's arrest; and,
  - B. To arrange for that agency to take possession of that agency's service weapon, if one was seized as a result of a domestic violence incident. If the weapon was actually used in the commission of a crime and is considered evidence, it will be handled per regular evidence procedures.
2. When an officer makes an arrest for an act of domestic violence and the arrestee is a law enforcement officer, the officer will seize any firearm which is observed on the scene which belongs to the arrestee or which is issued to the arrestee by his employer. The officer will also request that the arrestee voluntarily allow the officer to remove any firearm that belongs to the arrestee or that is issued to the arrestee by his employer which is not in view.

**.100 INVOLVEMENT OF FREDERICK POLICE OFFICERS/EMPLOYEES:**

1. When an FPD officer or employee is involved in a domestic incident, the responding officer's supervisor will be immediately informed of the incident. The responding officer's supervisor will notify the involved officer/employee's chain of command. The involved officer/employee's supervisor will take appropriate action to reduce the possibility of involvement of the officer/employee in future incidents, including utilization of the Employee Assistance Program. This required notification will not substitute for the arrest of the involved officer/employee, if the responding officer has probable cause to make such an arrest.
2. Any officer or employee of the Department who is named as a defendant in a criminal proceeding or as a respondent in a civil proceeding alleging an act of domestic violence will:
  - A. Notify the Chief of Police, in writing, via official channels, of the details of the incident. A copy of the official police report outlining the incident and to which is attached any court documents relative to the incident will be submitted with the written report, if available. If such documents are unavailable, the police agency of record will be noted in the report as well as any other significant identifying information such as case number and responding officer's name, which will enable the Department to obtain a copy of the report. This information will be submitted as soon as possible after the incident has occurred but in no case later than the individual's first working day following the incident;
  - B. Submit to the Office of the Chief a copy of any additional official documents relative to the issue which are received after the initial report has been filed; and,
  - C. Notify the Office of the Chief, in writing, of any court proceeding **at least three working days prior to any scheduled court appearance** to which he is summoned.
3. Upon notification of any domestic incident involving an officer or employee of the Department, the involved officer/employee's supervisor will:
  - A. Ensure that a written report is submitted via official channels to the Office of the Chief as soon as possible;
  - B. Attend any court session or administrative hearing as directed by the Chief of Police or his designee;
  - C. Provide a written follow-up report relative to any action taken by the court and any administrative action taken by the supervisor in attendance; and,
  - D. If the court action results in a guilty plea/conviction for a crime of domestic violence, the supervisor in attendance will take possession of any departmental firearm, ammunition, badge of authority and identification card and suspend the police powers of the sworn member convicted of a crime of domestic violence. In the event the sworn member does not have in his possession the department-issued weapon, the supervisor will **order** the member to accompany him to the location where the gun is stored, retrieve it and the department-issued ammunition and return them to the Department. The supervisor will order the member whose police powers have been suspended to report to the Office of the Chief as directed.
  - E. 18 U.S.C.A. § 922(g)(9) precludes the possession of any firearm or firearm ammunition by any person convicted of a crime of domestic violence. There is no exception for possession of a firearm by a law enforcement officer. Therefore all

firearms and firearm ammunition must be confiscated from any member of this Agency who is convicted of a crime of domestic violence.

**.110 PEACE ORDERS:**

1. A Peace Order is an order from the Court to provide relief to an eligible person through a petition that alleges certain threats or harm in circumstances specified in the Courts and Judicial Proceedings Article. Persons eligible for relief under a protective order are not eligible to apply for a peace order.
2. Law enforcement officers in the State of Maryland are called upon to enforce and take other police action on three types of peace orders:
  - A. Interim Peace Order – Issued by a District Court Commissioner, when a Court is not in session, pending a hearing by a judge on a petition.
  - B. Temporary Peace Order - an order from a judge providing for relief that is effective for no more than 7 days unless extended by a judge as needed, not to exceed 30 days.
  - C. Final Peace Order – an order from a judge providing for relief that is effective for not more than 6 months.

**.115 ARRESTABLE CONDITIONS OF PEACE ORDERS:**

1. Peace orders may offer the petitioner relief by ordering the respondent to do one or all of the following:
  - A. Refrain from committing certain harms or threats to the petitioner;
  - B. Refrain from contacting, attempting to contact, or harassing the petitioner;
  - C. Refrain from entering the petitioner's residence, which includes the yard, grounds, outbuildings, and common areas surrounding the area;
  - D. Stay away from the petitioner's places of employment, school, or temporary residence.
2. A respondent who violates one of the above orders is guilty of a misdemeanor for which the law enforcement officer is required to make an arrest under Courts and Judicial Proceedings Article, Section 3-1508.

**.120 NON-ARRESTABLE CONDITIONS OF PEACE ORDERS:**

1. Peace orders may also provide relief in the form of required counseling and payment of filing fees and the cost of the proceedings.
2. Violation of these conditions does not constitute a criminal offense and is therefore not arrestable, but it could result in a finding of contempt by the court.

**.125 SERVICE OF PEACE ORDERS:**

Peace Orders will be served by the Frederick County Sheriff's Office. Sheriff's Deputies may request assistance with service, but all other administrative duties will be performed by the Sheriff's Office.